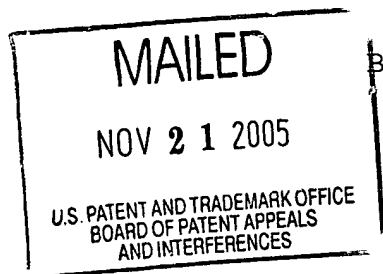


UNITED STATES PATENT AND TRADEMARK OFFICE



BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte RONALD P. SANSONE

Application No. 09/818,480

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was electronically received at the Board of Patent Appeals and Interferences on October 4, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

Appellant filed the following Information Disclosure Statements (IDS's):

- (1) IDS filed on June 22, 2004
- (2) IDS filed on January 10, 2005
- (3) IDS filed on March 9, 2005

It is not clear from the record whether the examiner considered the statements submitted or whether the examiner notified appellant of why his submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.

On December 10, 2004, appellant filed an Appeal Brief under the new rules set forth in 37 CFR § 41.37(c), effective

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September 13, 2004. However, a review of the Brief reveals that appellant omitted the "Evidence Appendix" and "Related Proceedings Appendix" in accordance with 37 CFR § 41.37(c)(1)(ix) and (c)(1)(x).

Moreover, on July 13, 2004, the examiner entered a Final rejection of claims 1-34 under 35 U.S.C. § 103(a) as being unpatentable over Smith in view of Higgins. However, in the Examiner's Answer mailed on March 10, 2005, the examiner rejected claims 1-4, 7, 10-12, 13, 18, 20, 24 and 28-34 under 35 U.S.C. § 103 as unpatentable over Smith in view of Higgins and claims 5, 8-9, 13-15, 19, 21-23 and 25-26 under 35 U.S.C. § 103 as unpatentable over Smith in view of Higgins. It is not clear from the record as to the status of claims 6, 16, 17 and 27 on appeal.

Furthermore, the examiner failed to list the references applied under the heading "Evidence Relied Upon."

Accordingly, it is

ORDERED that the application is returned to the examiner for resolution of the following issues:

(1) consideration of the IDS's filed on June 22, 2004, January 10, 2005 and March 9, 2005, and written notification to appellant of consideration;

(2) to hold the Appeal Brief filed on December 10, 2004, and written notification to appellant to submit a Supplemental Appeal Brief to include the "Evidence Appendix" and "Related Proceedings Appendix;"

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(3) to clarify for the record the status of the rejection of claims 6, 16, 17 and 27, and written notification to appellant of the status of these claims;

(4) for submission of a corrected Examiner's Answer which lists the references applied under "Evidence Relied Upon," and

(5) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
AND INTERFERENCES

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